

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes
June 5, 2008

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on June 5, 2008.

MEMBERS PRESENT

Rick Hessig, Chairman
Roger McDonald, Vice-Chairman
Jim Ringo
Mary Pedersen
Gary Tinker
William Witten

OCCUPATIONS & PROFESSIONS STAFF

Gerald W. Hoppmann, Division Director
Susan Ellis, Fiscal Section Supervisor
Wendy Satterly, Administrative and Support Services Supervisor
Adriana Lang, Board Administrator

OTHERS PRESENT

Diane Fleming, Attorney
Bill Lilly
John Logdson
Gary Martin

MEMBERS ABSENT

Mike Ober

CALL TO ORDER

The Chairman, Mr. Rick Hessig, called the meeting to order at 1:15 p.m.

APPROVAL OF MINUTES

The minutes of the May 1, 2008 meeting was called to the attention of the members. A motion was made by Mr. Roger McDonald to approve the minutes. The motion, seconded by Ms. Mary Pedersen, carried.

FINANCIAL STATEMENT

The Board reviewed the Financial Statement indicating a balance of \$88,092.23 from July 1, 2007 to April 30, 2008. A motion was made by Mr. Roger McDonald to accept the Financial Statement. The motion, seconded by Mr. Jim Ringo, carried.

COMPLAINT COMMITTEE'S REPORT

08-001- Dismissed

ATTORNEY'S REPORT:

Mr. Ryan Halloran informed the Board that the hearings for Rick Everroad and Robert Wilson will possibly be scheduled for August 7, 2008.

DIRECTOR'S REPORT

Mr. Gerald Hoppmann provided an update on his communication with Schroeder Measurement Technology (SMT) regarding the private investigator exam. He reiterated the relevant documents to date:

- SMT's 3/12/08 Contract Renewal Proposal to Board;
- Board's 5/1/08 teleconference with SMT to provide additional clarification;
- Board's formal approval on 5/1/08 to accept SMT's 3/12/08 proposal; and
- Board's 5/30/08 correspondence to SMT reiterating the importance of restricting examination takers to the Commonwealth of Kentucky in order to comply with 201 KAR 41:030 (1) (3), as well as creating additional test sites in Kentucky; and

Mr. Hoppmann also communicated that SMT requested the Board to provide potential dates to conduct focus groups in Frankfort to update the test blueprint (1 day focus group); draft and finalize 50-75 exam questions (1-2 day focus group); and develop passing score criteria (2-4 hour conference call). The Board authorized Mr. Hoppmann to request a copy of the private investigator exam and test blueprint for the Board to review and make suggestions by next scheduled Board meeting. Mr. Hoppmann stated that he would make the request to SMT and once received; he would forward it electronically to the

PI Board Minutes

June 5, 2008

Page 2

DIRECTOR'S REPORT (CONTINUED)

Board members. The Board agreed to create a Focus Committee to work with SMT to update the examination. Ms. Mary Pedersen made a motion to appoint Mr. McDonald, Mr. Tinker and Mr. Hessig as Focus Committee members. The motion, seconded by Mr. Jim Ringo, carried.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report of June 5, 2008.

OLD BUSSINESS

The Board reviewed e-mails and correspondences regarding the N.LLI/ K.LLI. The Board requested their attorney to review all correspondences and e-mails regarding the association(s) and Tom Loos and Larry Nunes. Mr. Roger McDonald made a motion to authorize their attorney to work with the Division Director to draft a response on behalf of the Board. The motion, seconded by Mr. Gary Tinker, carried.

NEW BUSINESS

The Board reviewed correspondence from Mr. Gary Martin, Rodney Brewer and Brewer and Martin Investigative Services, LLC requesting their licenses to be placed in an inactive status. The Board discussed the inactive status procedures and agreed to not charge a fee for the inactive renewals until the fee regulation is filed and approved. The Board authorized staff members to issue a refund to all the licensees that requested an inactive status. Mr. Jim Ringo made a motion to approve all inactive status requests at today's meeting. The motion, seconded by Ms. Mary Pedersen, carried.

The Board reviewed correspondence from Mr. James Jensen regarding Facticon, Inc. company's dissolution. The Board agreed to allow Faction, Inc. to expire at its expiration date on June 30, 2008.

The Board reviewed correspondence from Ms. Tonya Andresen. Regarding C&Z Combined Investigators, Inc. company's dissolution. The Board agreed to allow C&Z Combined Investigators, Inc. to expire at its expiration date on June 30, 2008.

The Board reviewed correspondence from Mr. Dennis Crawford requesting exemption of licensure for Midsouth Accident Reconstruction, company sole proprietor. The Board agreed to allow the company license to expire on June 30, 2008.

Mr. Gary Tinker provided the Board the amended application forms. He explained that he made a few corrections and additions to the forms in order for them to be consistent with the Board's current and potential Laws and Regulations. Mr. Hoppmann requested that Mr. Tinker forward the new amended forms to him electronically for a review. Mr. Jim Ringo made a motion to authorize Mr. Tinker to review and amend all necessary forms to be filed along with the new regulations. The motion, seconded by Ms. Mary Pedersen, carried. The Board discussed the procedures for new regulations.

At the Board Chair's request, the board entered into discussion about the complaint procedure. Mr. Hessig asked Mr. Hoppmann to explain the process re: receipt of complaints. Mr. Hoppmann explained 201 KAR 41:080 (complaint procedure) and stated that complaints are referred to the Complaint Screening Committee for review and for recommended action to the Board. Mr. Hessig asked if Division staff would investigate complaints on their own. Mr. Hoppmann responded that staff does not investigate complaints on their own. Rather, staff's role is to facilitate the complaint process and ensure that complaints are presented to the Complaint Screening Committee for review and action.

Mr. Hessig expressed concerns about previously closed complaints, and reiterated the need for staff to follow the complaint procedures. Mr. Hoppmann concurred. The Board also agreed that any formal or anonymous complaints are to be referred to the complaint committee.

CLOSED SESSION

Chairman Mr. Hessig recused himself. On advice of counsel, the Board, on motion made and carried by a majority voted in open, public session to go into closed session under KRS 61.810 and the exceptions to the open meetings law set out at KRS 61.810 (1) (c) and (j). It was explained in open session that the reason for the closed session was to discuss the language in a letter of admonishment regarding a complaint against a licensee. It was also explained in open session that KRS 61.810 (1)(c) allows a public agency to conduct a closed session to discuss proposed or pending litigation; and that KRS 61.810 (1) (j) allows a quasi-judicial body to conduct a closed session to deliberate with regard to an individual adjudication. At the conclusion of the closed session the Board voted to go back into open session. In open session the Board, on motion made and carried by a majority voted to approve the language contained in the letter of admonishment.

APPLICATION REVIEW COMMITTEE

Mr. Gary Tinker gave the following report from the Applications Review Committee. Mr. Jim Ringo made a motion to approve the applications committee recommendations. The motion, seconded by Mr. William Witten, carried.

INDIVIDUALS APPROVED WITH PROVISIONS: *Dale Adkins, Barry Davis, Kevin Davis, Jeremiah Frick, Rodney Gayheart, Jeffrey Jackson, Robert Kirk, Lisa Lang, David O'Daniel, John Tomasic, Richard Travelstead and Chrystal Waltz.*

COMPANY APPROVED: *GlobalOptions, Inc.*

COMPANY APPROVED WITH PROVISIONS: *Litigation Solutions, LLC.*

RENEWAL: *Timothy Kilburn.*

The Board deferred *Gene Weaver and Gene Weaver Associates* to provide additional documentation.

RENEWAL AUDIT: *William Bowling, Larry Carson, William Lilly, Joseph O' Kane, Larry Owens, Danny Triplett and Benjamin Wilkerson.*

The Board deferred *Dennis Cranford* to provide additional documentation.

RENEWAL INACTIVE STATUS REQUEST: *Rodney Brewer, Brewer and Martin Investigative Services, LLC., Vicent Cotton, Robert Maribugh, Gary Martin, Douglas Ostwalt, Payton Investigations and Lona Valentine.*

TRAVEL AND PER DIEM

A motion was made by Mr. Jim Ringo to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. The motion, seconded by Ms. Mary Pedersen, carried.

ADJOURNMENT

The Chairman, Mr. Rick Hessig, informed the Board that the next meeting is scheduled for Thursday, August 7, 2008, at 1:00 p.m., the Application Review Committee Meeting at 10:00 p.m. Having no further business to be brought before the Board, a motion was made by Mr. Jim Ringo to adjourn. Motion seconded by Sheriff William Witten, carried. The meeting adjourned at 3:35p.m.

APPROVED